

COUNTY OF YORK

MEMORANDUM

DATE: May 5, 2005 (BOS Mtg. 6/21/05)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed amendment to County Code § 15-49—Inoperative Motor Vehicles

The 2005 General Assembly adopted Senate Bill 1313 (codified as Chapter 775 of the 2005 Acts of the General Assembly) which, among other things, amended Code of Virginia § 15.2-904 to make one minor change with respect to the authority of localities to regulate the keeping of inoperative motor vehicles, trailers, or semitrailers on certain property. Last year, you may recall that we amended this section to provide that someone keeping an inoperative motor vehicle shielded or screened from view could keep a second inoperative motor vehicle to be used as a source of spare parts for repairing the first vehicle. Senate Bill 1313 added the words "that is shielded or screened from view" to the reference to the additional inoperative vehicle, and I have proposed amending County code § 15-49 (b) to add the language which, effective July 1 of this year, will be incorporated into the statute. Given that the County's ordinance very closely tracks the language of Code of Virginia § 15.2-904, I recommend that this minor amendment to the County be adopted so that our ordinance will remain consistent with the statute.

Also, at the recommendation of the County's Codes Compliance staff and consistent with Code of Virginia § 15.2-904, I have drafted a revision to subsection (j) of the ordinance relative to penalties to impose civil rather than criminal penalties for the first three offenses that occur within a period of 24 months. For violations in excess of three within 24 months, an offense may be treated as a Class 3 misdemeanor, which by statute is punishable by a fine not exceeding \$500. County code § 1-10 contains a list of the various classes of misdemeanors and their penalties, consistent with state statute. Staff's thought was that many of the people who are found in violation of this ordinance are elderly relatives of the owner of the inoperable vehicle, and staff has expressed a concern about burdening such people with a record of a criminal conviction.

Attached for your consideration is Ordinance No. 05-17 which will make the necessary and recommended changes.

Barnett/3440:sw
Attachment

- Ordinance No. 05-17